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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,847	06/28/2001	Masatoshi Ozawa	P20726	3090
7055	7590	03/22/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			PARTON, KEVIN S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,847

Applicant(s)

OZAWA, MASATOSHI

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 10-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 15, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inala et al. (USPN 6,199,077) in view of Smith et al. (USPN 6,282,564).
4. Regarding claims 10, 17, and 19, Inala et al. (USPN 6,199,077) teach a server apparatus selectively connected to a first terminal apparatus and a second terminal apparatus (column 4, lines 51-56; column 12, lines 16-27), the first terminal apparatus able to access a home page provided by the server apparatus, the second terminal apparatus unable to access the home page provided by the server apparatus (column 12, lines 16-27), the server apparatus comprising:
 - a. A receiver configured to receive a request from the first terminal apparatus able to access the home page, the request being input at the first terminal via the home page provided by the server apparatus, the request including information regarding predetermined media data

and information regarding the second terminal unable to access the home page (column 12, lines 16-27).

- b. Means to transmit the predetermined media data to the second terminal apparatus unable to access the home page (column 12, lines 12-15).

Although the system disclosed by Inala et al. (USPN 6,199,077) shows substantial features of the claimed invention, it fails to disclose a controller configured to:

- a. Transmit a notification to the second terminal apparatus unable to access the homepage, the notification including a value representing a size of the predetermined media data based on the received request.
- b. Receive a response to the notification from the second terminal apparatus unable to access the homepage.
- c. Transmit the data when the response indicates that the second terminal apparatus unable to access the homepage can store the predetermined media data.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Inala et al. (USPN 6,199,077) as evidenced by Smith et al. (USPN 6,282,564).

In an analogous art, Smith et al. (USPN 6,282,564) discloses a system for delivery of data from a server comprising a controller configured to:

- a. Transmit a notification to the second terminal apparatus unable to access the homepage, the notification including a value representing a size of the predetermined media data based on the received request (column 7, lines 3-7).
- b. Receive a response to the notification from the second terminal apparatus unable to access the homepage (column 7, lines 3-7; column 11, line 65 – column 12, line 5).
- c. Transmit the data when the response indicates that the second terminal apparatus unable to access the homepage can store the predetermined media data (column 7, lines 3-7; column 11, line 65 – column 12, line 5; column 12, lines 20-25).

Given the teaching of Smith et al. (USPN 6,282,564), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Inala et al. (USPN 6,199,077) by employing a check to ensure that the second terminal apparatus had sufficient memory available to store the data. This benefits the system because sending data to a device that cannot handle the data size can result in data loss and/or corruption.

5. Regarding claim 15, Inala et al. (USPN 6,199,077) teach all the limitations as applied to claim 10. They further teach means wherein the request from the first terminal apparatus able to access the home page further includes a time value, the controller transmitting the predetermined media data to the second terminal apparatus

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unable to access the home page at a predetermined time related to the time value (column 12, lines 16-27; abstract).

6. Claims 11-14, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) as applied to claims 10, 17, and 19 above, and further in view of Bruck et al. (USPN 6,691,165).

7. Regarding claim 11, although the system disclosed by Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the predetermined media data is divided into a plurality of predetermined data blocks, the controller transmitting each of the plurality of the predetermined data blocks to the second terminal apparatus unable to access the home page.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) as evidenced by Bruck et al. (USPN 6,691,165).

In an analogous art, Bruck et al. (USPN 6,691,165) discloses a system for the delivery of data wherein the predetermined media data is divided into a plurality of predetermined data blocks, the controller transmitting each of the plurality of the predetermined data blocks to the second terminal apparatus unable to access the home page (column 29, lines 9-11). Note that all data is accepted in packets.

Given the teaching of Bruck et al. (USPN 6,691,165), a person having ordinary skill in the art would have readily recognized the desirability and advantages of

modifying the system of Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) by providing the data in a series of blocks. This benefits the system by allowing for accounting and the resuming of a disconnected download at a later time.

8. Regarding claim 12, although the system disclosed by Inala et al. (USPN 6,199,077) (as applied to claim 11) shows substantial features of the claimed invention, it fails to disclose means wherein the controller transmits a confirm notification to the second terminal apparatus unable to access the home page after transmission of each of the plurality of the predetermined data blocks, the confirm notification being utilized to confirm that the second terminal apparatus unable to access the home page received the transmitted data block.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Inala et al. (USPN 6,199,077) as evidenced by Smith et al. (USPN 6,282,564)

In an analogous art, Smith et al. (USPN 6,282,564) discloses a system for the downloading of data wherein the controller transmits a confirm notification to the second terminal apparatus unable to access the home page after transmission of each of the plurality of the predetermined data blocks, the confirm notification being utilized to confirm that the second terminal apparatus unable to access the home page received the transmitted data block (column13, lines 24-31).

Given the teaching of Smith et al. (USPN 6,282,564), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Inala et al. (USPN 6,199,077) by requesting confirmation of

received data. This benefits the system by allowing the sender to determine if data has been lost in transmission.

9. Regarding claim 13, although the system disclosed by Inala et al. (USPN 6,199,077) (as applied to claim 12) shows substantial features of the claimed invention, it fails to disclose means wherein the controller executes an error process when the controller does not receive a response to the transmitted confirm notification.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Inala et al. (USPN 6,199,077) as evidenced by Smith et al. (USPN 6,282,564).

In an analogous art, Smith et al. (USPN 6,282,564) discloses a system for the downloading of data wherein the controller executes an error process when the controller does not receive a response to the transmitted confirm notification (column 13, lines 33-44).

Given the teaching of Smith et al. (USPN 6,282,564), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Inala et al. (USPN 6,199,077) by executing an error process when confirmation is not received. This benefits the system by allowing for an error to quickly be recognized and remedied.

10. Regarding claim 14, although the system disclosed by Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) (as applied to claim 13) shows substantial features of the claimed invention, it fails to disclose means wherein the controller stores a block number indicating a transmitted data block when the controller

does not receive the response to the transmitted confirm notification, the controller executing the error process by re-transmitting the block, corresponding to the stored block number, to the second terminal apparatus unable to access the home page.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) as evidenced by Bruck et al. (USPN 6,691,165).

In an analogous art, Bruck et al. (USPN 6,691,165) discloses a system for the download of data wherein the controller stores a block number indicating a transmitted data block when the controller does not receive the response to the transmitted confirm notification, the controller executing the error process by re-transmitting the block, corresponding to the stored block number, to the second terminal apparatus unable to access the home page (column 29, lines 24-37).

Given the teaching of Bruck et al. (USPN 6,691,165), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) by retransmitting data that was not confirmed. This benefits the system by allowing the sender to ensure that all data is sent and received by the second terminal apparatus.

11. Regarding claims 16, 18, and 20, although the system disclosed by Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) (as applied to claims 10, 17, and 19, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the predetermined media data comprises music data.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) as evidenced by Bruck et al. (USPN 6,691,165).

In an analogous art, Bruck et al. (USPN 6,691,165) discloses a system for the download of data wherein the predetermined media data comprises music data (column 29, lines 1-2; column 1, lines 40-41).

Given the teaching of Bruck et al. (USPN 6,691,165), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Inala et al. (USPN 6,199,077) and Smith et al. (USPN 6,282,564) by providing music data. This benefits the system because music files are often large and downloaded frequently.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

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